IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.934 OF 2005
IN
WRIT PETITION NO.4599 OF 2002

The Chief General Manager, BSNL ..Applicants

V/s.

J.G.Bhise & Anr. ..Respondents

Mr.N.V.Masurkar i/by V.s.Masurkar for the applicants.

Mr.D.V.Gangal for Respondent No.1.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 12.4.2005.

PC

. Though the application for deletion of Union of India (Respondent no.1 in the Writ petition) from the array of parties in the Writ petition ought to have been made by the Union of India itself, however, on perusal of the Writ petition, we find that respondent no.1-Union of India is neither necessary nor proper party in the matter. The learned Counsel for the applicants agreed that Union of India is not necessary party. He however, sought to urge that Union of India is a proper party. The proper party is a party whose presence enables the Court to decide the matter finally and effectually.

Looking to the subject matter and the controversy raised in the Writ petition, it cannot be said that the presence of Union of India shall assist the Court in any manner. The subject controversy can be finally and effectually decided after hearing the Bharat Sanchar Nigam Limited.

2. Accordingly, we order deletion of Union of India from array of parties.

3. The applicants are directed to amend the cause title in the Writ petition within 2 weeks from today.

4. Civil application stands disposed of.

(R.M.LODHA,J)

(R.S.MOHITE,J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.935 OF 2005
IN
WRIT PETITION NO.4599 OF 2002

J.G.Bhise ..Applicant

V/s.

Union of India & Ors. ..Respondents

Mr.D.V.Gangal for applicant.

Mr.N.V.Masurkar i/by H.D.Rathod for Respondent No.1

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 12.4.2005.

PC

. By our separate order passed today in Civil Application no.934 of 2005 we directed deletion of Union of India from array of parties in the Writ petition. The learned Counsel for the applicant, in view thereof, undertakes to amend the cause title of this Civil application within 2 weeks from today and serve copy of the amended Civil application on the Advocate representing Bharat Sanchar Nigam Limited.

2. Stand over for 2 weeks.

(R.M.LODHA,J)

(R.S.MOHITE,J)